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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

SAMUEL BERTRELL MOORE,
Petitioner

vs.

: CIVIL ACTION NO. 1:CV-00-2148

DAVID ROMINE,
Respondent

:

FILED
HARRISBURG, PA

O R D E R

MAY 01, 2001

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

MARY E. D'ANDREA, CLERK
PER *gjs* DEPUTY CLERK

The Petitioner has filed a motion to stay our order of April 18, 2001, dismissing his 2241 petition for failure to exhaust administrative remedies before the Bureau of Prisons (BOP). Claiming that he will suffer irreparable injury if we fail to grant the motion, he seeks injunctive relief "monitor[ing]" the administrative proceedings.

We fail to see how the Petitioner will suffer irreparable injury if we do not stay our dismissal order. His 2242 petition sought credit on a federal sentence of 151 months imposed in 1997 for 400 days spent in custody before the sentence was imposed. The Petitioner will not suffer irreparable injury if he is forced to complete his administrative remedies because, if he is correct, he will have time to litigate the issue in federal court should the BOP render an adverse decision.

Accordingly, this 1st day of May, 2001, upon consideration of the Petitioner's "motion for stay of judgment," filed April 30, 2001, it is ordered that the motion is denied.



William W. Caldwell
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

May 1, 2001

Re: 1:00-cv-02148 Moore v. USA

True and correct copies of the attached were mailed by the clerk to the following:

Samual Bertrell Moore
FCI-SCHUYLKILL
09644-050
P.O. Box 759
Minersville, PA 17954

Kate L. Mershimer, Esq.
U.S. Attorneys Office
Room 217, Federal Bldg.
228 Walnut St.
Harrisburg, Pa 17108

David Barasch
US Atty's Office
2nd Floor
228 Walnut St.
Harrisburg, PA 17108

cc:			
Judge	(<input checked="" type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>) Pro Se Law Clerk
Magistrate Judge	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>) INS
U.S. Marshal	(<input type="checkbox"/>)	(<input type="checkbox"/>)	(<input type="checkbox"/>) Jury Clerk
Probation	(<input type="checkbox"/>)		
U.S. Attorney	(<input type="checkbox"/>)		
Atty. for Deft.	(<input type="checkbox"/>)		
Defendant	(<input type="checkbox"/>)		
Warden	(<input type="checkbox"/>)		
Bureau of Prisons	(<input type="checkbox"/>)		
Ct Reporter	(<input type="checkbox"/>)		
Ctroom Deputy	(<input type="checkbox"/>)		
Orig-Security	(<input type="checkbox"/>)		
Federal Public Defender	(<input type="checkbox"/>)		
Summons Issued	(<input type="checkbox"/>)	with N/C attached to complt. and served by: U.S. Marshal (<input type="checkbox"/>) Pltf's Attorney (<input type="checkbox"/>)	
Standard Order 93-5	(<input type="checkbox"/>)		
Order to Show Cause	(<input type="checkbox"/>)	with Petition attached & mailed certified mail to: US Atty Gen (<input type="checkbox"/>) PA Atty Gen (<input type="checkbox"/>)	

Bankruptcy Court ()
Other _____ ()

DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

DATE: 5-1-01

BY:

BS
Deputy Clerk